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Report of the Secretary-General on the United Nations Mission of Observers in Prevlaka

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1335 (2001) of 12 January 2001 by which the Council extended the mandate of the United Nations Mission of Observers in Prevlaka (UNMOP) until 15 July 2001 and requested me to report to it by 15 April 2001. The present report covers developments since my last report on UNMOP on 29 December 2000 (S/2000/1251).

2. UNMOP consists of 27 United Nations military observers (see annex) headed by a Chief Military Observer, Colonel Graeme Williams (New Zealand).

3. In accordance with its mandate, UNMOP continues to monitor the demilitarization of the Prevlaka peninsula and the neighbouring areas in Croatia and the Federal Republic of Yugoslavia. It also holds regular meetings with the local authorities in order to strengthen liaison, reduce tension, improve safety and security and promote confidence between the parties. The Chief Military Observer maintains contact with the authorities in Zagreb and Belgrade in order to address issues arising from the implementation of resolution 1335 (2001). Cooperation between UNMOP and the multinational Stabilization Force (SFOR) is maintained through regular meetings.

II. Situation in the area of responsibility of the Mission

4. The area of responsibility of UNMOP and the designation of the demilitarized and United Nations-controlled zones remain as previously reported. Within this area, the situation has remained stable and calm. UNMOP continues to maintain its 24-hour presence at the team site on the Ostra peninsula, at Herceg Novi in the Federal Republic of Yugoslavia and at the headquarters at Cavtat and the team site at Gruda in Croatia. Except when restrictions of movement are imposed by either party, UNMOP conducts vehicle, foot and standing patrols throughout its area of responsibility.

Demilitarized zone

5. In accordance with the security regime agreed by the two parties, their police forces maintain control of the demilitarized zone; these are, on the Croatian side, the Special Police and, on the Yugoslav side, the Montenegrin Border Police and Special Police. The demilitarized zone has generally been respected by both parties during the reporting period.

6. As reported previously, the United Nations military observers enjoy unrestricted freedom of movement on the Yugoslav side of the demilitarized zone. On the Croatian side, the authorities continue to require UNMOP to provide advance written notice before undertaking foot or vehicle patrols in the northern part of the zone. Croatian police accompany UNMOP foot patrols.

United Nations-controlled zone

7. The long-standing violations of the security regime in the United Nations-controlled zone remain unchanged. Approximately 25 Croatian Special Police are located at three positions and approximately 10 Montenegrin Border Police are present at two positions inside that zone. The Croatian Special Police conduct

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frequent foot and vehicle patrols throughout the part of the zone accessible to them.

8. Both Croatia and Montenegro continue to maintain manned checkpoints in the United Nations-controlled zone for the purpose of operating a crossing regime for local civilians at Cape Kobila. The presence of these manned checkpoints is a violation of the agreed security regime. The checkpoints also interfere with the freedom of movement of United Nations military observers within the United Nations-controlled zone. On 21 March 2001, the Chief Military Observer, escorting a visiting representative of a Security Council member based in Zagreb, was denied permission to proceed through the checkpoint erected by Croatia in the United Nations-controlled zone. This restriction of movement was protested.

9. The Croatian authorities continue to permit civilians, including local and foreign tourists, to enter the United Nations-controlled zone. Their activities in the zone include fishing, recreation and the collection of firewood. The waters of the United Nations-controlled zone continue to be violated by small craft, which enter from both the Croatian and Montenegrin sides. On 17 March 2001, a civilian van was observed inside the zone. Its occupants told the United Nations military observers that they were conducting a survey on behalf of the Croatian telecommunications authorities.

10. The activities described above, which involve the unauthorized presence of civilians in the United Nations-controlled zone and restriction of movement of the United Nations military observers, are violations of the agreed security regime. While they do not constitute a security threat, they demonstrate disregard for a regime which was freely agreed upon by the parties and which UNMOP is obliged to monitor.

III. Progress towards a negotiated settlement

11. The Federal Republic of Yugoslavia and Croatia have indicated repeatedly their willingness to resolve the dispute over Prevlaka through bilateral negotiations pursuant to the Agreement on Normalization of Relations signed by them at Belgrade on 23 August 1996 (S/1996/706, annex). As reported previously, each Government has submitted a proposal for settling the dispute (see S/1998/533 and S/1998/632) and their negotiating teams have held four rounds of talks, the last at Belgrade on 9 March 1999. Despite subsequent exchanges of letters, no further meetings of their negotiating teams have taken place. It is clear from the correspondence that the parties continue to hold divergent views on resolving the dispute. Their positions were outlined most recently in letters to the President of the Security Council dated 22 December 2000 (S/2000/1235; letter from the Federal Republic of Yugoslavia) and 5 January 2001 (S/2001/13; letter from Croatia).

IV. Confidence-building measures

12. As will be recalled, pursuant to the Security Council's request in resolution 1252 (1999), a package of recommendations and options for confidence-building was conveyed informally to the parties by the Secretariat in October 1999 (see S/1999/1051, para. 20). The package covered basic elements of the dispute, confidence-building measures and freedom of movement for local civilians. Subsequent consultations with the parties showed that each favoured some aspects of the package but rejected others, reflecting their overall divergent views on the dispute. During the reporting period, there were no new developments in this regard, despite the call in Security Council resolution 1335 (2001) for the parties to make use of the options package. During recent consultations with UNMOP, neither party expressed an interest in pursuing the options package approach.

V. Observations

13. The fact that the United Nations-monitored zones in the Prevlaka peninsula remained free of significant incidents during the reporting period is encouraging. However, despite positive indications at the beginning of the year, the parties unfortunately did not take advantage of the prevailing calm to move towards a political settlement of their dispute.

14. It is incumbent upon the parties to resume their discussions with the aim of reaching a negotiated solution. In this regard, the package of recommendations and options for confidence-building remains available as a way of achieving progress, and UNMOP stands ready to assist in the development of practical arrangements to give effect to any agreement

which the parties might reach. More generally, as stated in earlier reports, the whole set of instruments of the United Nations for the peaceful settlement of disputes is at the disposal of the parties. I intend to assess the situation before the end of UNMOP's present mandate with a view to exploring, together with the parties, ways of moving the political process forward, and shall inform the Council of my conclusions.

15. As observed previously, the continuing long-standing violations of the established security regime on Prevlaka are not conducive to the development of mutual confidence. The Croatian authorities should lift their restrictions on the movement of the United Nations military observers and permit them unconditional access to all areas of the demilitarized zone. In the United Nations-controlled zone, the presence of Croatian Special Police and Montenegrin Border Police and the continued operation of the checkpoints at Cape Kobila are violations of the security regime. They also interfere with the free movement of United Nations military observers. Accordingly, the Croatian and Montenegrin police presence should be withdrawn and the checkpoints either removed or their continued operation legitimized through a mutual agreement between the parties.

16. In conclusion, I should like to commend the Chief Military Observer and the men and women of UNMOP for their continuing efforts to maintain peace and security in their area of responsibility.

Annex

Composition and strength of the military element of the United Nations Mission of Observers in Prevlaka as at 1 April 2001

Country	*Number of military observers*
Argentina	1
Bangladesh	1
Belgium	1
Brazil	1
Canada	1
Czech Republic	1
Denmark	1
Egypt	1
Finland	1
Ghana	1
Indonesia	2
Ireland	1
Jordan	1
Kenya	1
Nepal	1
New Zealand	2
Nigeria	1
Norway	1
Pakistan	1
Poland	1
Portugal	1
Russian Federation	1
Sweden	1
Switzerland	1
Ukraine	1
Total	**27**

Map 4137 Rev. 4 United Nations
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